

House Bill 1346 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Ehrhart of the 36th, Tumlin of the 38th, Johnson of the 37th, and Setzler of the 35th

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the charter provision relating to what shall constitute a quorum; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, is amended by striking Section 2.05 and inserting in lieu thereof a new Section 2.05 to read as follows:

"SECTION 2.05.

City council.

The governing body of said city shall be composed of a mayor and five councilmembers, in which is vested all corporate, legislative, and other powers of the city, except as otherwise provided in this Act. The mayor and council shall hold regular public meetings at a stated time and place as provided by ordinance. The mayor and council shall meet in special session on call of either the mayor or the mayor pro tempore and two councilmembers and when notice of which has been served on the other members personally or left at their residence at least 12 hours in advance of the meeting. Alternatively, or in addition thereto, notice of a special session may be given by telephoning the other members. If this method is used, the first order of business in the special session shall be to enter upon the minutes of the meeting an oath or an affidavit by the mayor or the mayor pro tempore and two councilmembers calling the special session, attested to by the city clerk or by another member of the council, or any person authorized to administer oaths. Said oath or affidavit must contain a statement that each councilmember was either notified personally by telephone by

1 the person making the oath or affidavit or was not capable of being so notified by reason of
2 lack of knowledge of his or her whereabouts or because of his or her absence from the state.
3 Any person who is found guilty of false swearing as defined by Section 16-10-71 of the
4 O.C.G.A., as it now exists or may hereafter be amended, in the above proceeding shall be
5 punished as provided by law. Any action taken in a special session which was called by a
6 person later found guilty of false swearing regarding the telephone notice of any member
7 shall be void, unless ratified unanimously at a regular council meeting held after said person
8 is found guilty. A ratification of action taken in such a special session by the mayor and
9 council prior to a conviction for false swearing shall not be effective. Any liability to the city
10 arising from action taken by the mayor and council pursuant to a special session in which
11 telephone notice is given and in which the person calling the meeting is found guilty of false
12 swearing shall result in several liability for the person so convicted. But such notice of a
13 special meeting shall not be required and shall be considered waived if the mayor and all
14 council are present when the special meeting is called or convened. Only the business stated
15 in the written call or stated as being the purpose in the oath or affidavit required in special
16 sessions convened under the telephone notice provision of this charter may be transacted at
17 a special meeting, except by unanimous consent of all members of the council. The mayor
18 and council shall exercise their powers in public meetings. Four members of the governing
19 body of the city shall constitute a quorum. The council may by ordinance adopt rules and
20 bylaws to govern the conduct of its business; including procedures and penalties for
21 compelling the attendance of absent members. The mayor and council may provide by
22 ordinance for punishment of contemptuous behavior conducted in their presence."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.